

PROVIDENCE CITY COUNCIL MEETING MINUTES

July 12, 2016 6:00 PM

Providence City Office Building

15 South Main, Providence UT

Call to Order: Mayor Calderwood

Roll Call of City Council Members: Mayor Calderwood

Attendance: Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

Pledge of Allegiance: Mayor Calderwood

Excused: Kirk Allen

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of June 14, 2016 City Council meeting.

Motion to approve the minutes of June 14, 2016 with the following corrections: J Drew, second – D Giles

- Page 4, line 2 - similar to a decrease

Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon

Nay: None

Abstained: None

Excused: K Allen

Item No. 2. The Providence City Council will consider approval of the minutes of June 28, 2016 City Council meeting.

Motion to approve the minutes of June 28, 2016: J Drew, second – J Baldwin

- Page 4, line 2 – has looked at, line 14 - some not come
- Page 7, line 3 – Wyman to Lyman, can we not ride up the road to Providence Canyon
- Page 7, line 6 – J Baldwin's comment, line 46 – Curt not, line 8 – see a violation or you have to sign a complaint, Line 10 - fix it
- Page 8, line 1 – some communities require the company to come back and put on the Ha5 within 18 months after completion.

Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon

Nay: None

Abstained: None

Excused: K Allen

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- Laura Fisher commented on J Drew's letter to the editor in Sunday's paper. The letter, referencing the new building, street resurfacing, parks and higher impact fees, seems like its purpose was to stir up or perpetuate controversy. The Council approves budgets and she thought that is where the decisions are made in regards to road maintenance. Feels there are enough parks and the mountains and open spaces serve the need for parks. She feels the comparison of Providence to Nibley was shocking. City Council has the power to raise impact fees and developers should pay their own way through impact fees. She does not feel the city is playing catch up to development in regards to water. She thought the letter sounded like he was not on the City Council. She thinks there is a possibility of suggesting problems, when the problems are eternal. City is not a business trying to make more money to build more things.
- J Drew said impact fees require a capital facilities study first. When impact fees are not updated, then residents are left to make up the difference. State code requires the general plan be updated every 5 years. Impact fees, water – this takes many months of study, we don't know what is needed and what the costs will be. Water has to be taken care of before development comes. We need to look to the future and decide how we want the city to be. We need to decide how the city looks, not developers. We need a 5 or 10 year plan for roads, not just resurfacing, but replacing. Road base is sometimes 12", but code requires 36". Nibley has a stellar reputation as far as planning and development. An economic

development plan is also required by the state.

- There was further discussion between J Drew and L Fisher regarding the points of the letter and development for Providence City.
- R Sneddon said it is a mischaracterization to suggest roads here need 36" of road base. Number of axels and their weight is small and the number of repetitions is small here in Providence.
- Mayor Calderwood said portions of the general plan have been addressed by the Planning Commission. The council is not bound by the general plan, it is a guide.
- Kathleen Alder commented on the general plan. There is no business that can run and be successful without a general plan. She asked each council member if they have looked at the general plan. She feels the plan is vague, she does not feel it is a good plan. It needs to be updated, and challenged the mayor and council to get the plan going. Decisions made by planning and zoning can follow the general plan. She would like to see a vision statement addressing who we want to be and what kind of businesses we want to attract. She would like to see Providence be successful. She has had enough of the negativism and would like to see more people getting involved.
- Mayor said there is a general plan. The planning commission and council varied from the plan a few weeks ago, but there is a general plan in place.
- J Drew said the general plan makes everyone's job easier. If for whatever reason the city ends up in court with a developer, it can be said that the city has a general plan that was followed. Currently, our plan is one size fits all, it needs to be amended. He was asked by the Mayor to represent the City Council at Planning Commission. He takes that job seriously and is working to get the general plan more defined and pull all the elements together. If it is revisited every year, it is easier to update.
- Brian Cox also commented on the letter to the editor in today's paper. He feels Providence can only grow so much so all the more important for a general plan.
- Richard Eames likes planning. He would like to know from J Drew or Rob why we are only doing 3 blocks of road per year. R Stapley said that is what the budget covers at the current costs. R Eames does not think there is a city that does their streets every three or five years. Has never seen 36" of road base.
- R Stapley said new roads with 3" asphalt should last about 20 years. New technology, like HA5 will bring extra life, but it is yet to be seen how much it will add to the life of a road.
- R Sneddon commented that there is no way to discuss pavement design off the tops of our heads. We need qualified people for that discussion. Rob is doing a great job with limited funds, and it is the council's job to help him with funding the best we can. It is not a simple straight forward thing to rebuild roads.

Business Items:

Item No. 1. Order of the Providence City Council: The Providence City Council will consider an Order restricting the use of fireworks in certain areas of the City.

Motion to approve the order restricting the use of fireworks: J Baldwin, second – R Sneddon

- S Bankhead said this is the same order that has been used in the past. Brent Speth from Logan City Fire sits on Executive Staff and has helped with this plan. After July 4th there were four fires in Cache County and two of them were in Providence. Area to be restricted will be as follows:
 - Beginning at approximately 450 North 300 East, all properties north of 450 North and east of 300 East continuing south to 100 South, all properties south of 100 South and east of Main Street continuing south to 500 South, all properties south of 500 South, continuing west to Meadow Lane, all properties west of Meadow Lane, continuing north to 300 South, then all properties west of Garden Drive continuing north to Golf Course Rd, all properties north of Golf Course Road, continuing east to 100 West, all properties west of 100 West continuing north to Spring Creek Parkway, all properties north of Spring Creek Parkway continuing east to approximately 450 North 300 East.
- J Baldwin feels it is too restrictive. He prefers instead, no fireworks east of any developed street in Providence.
- R Sneddon said he favors the restriction.
- J Drew said the grass is high and there is potential for fire. He favors the restriction.
- Mayor Calderwood said if you walk along the mountain there is a lot of high green grass, but at the bottom of the grass is a lot of dead vegetation.
- D Giles said some of the areas that aren't restricted are just as dry as some of the areas that are

1 restricted.

- 2 • S Bankhead said it is a restrictive map, and it is practically impossible to enforce. There are developed
3 streets that have only one or two houses and empty dry lots.

4 **Vote: Yea: R Sneddon, J Drew**

5 **Nay: J Baldwin, D Giles**

6 **Abstained: None**

7 **Excused: K Allen**

8 **Mayor Calderwood cast a tie-breaking vote in favor of the restriction. The Order passed.**

9 **Item No. 2. Ordinance 2016-016.** The Providence City Council will consider for adoption an ordinance amending
10 Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations, Section 1 Use Chart including but not
11 limited to adding the words "counter top or" before the words "cabinet shop" in Item H. Industry and
12 Manufacturing, Use 3.

13 **Motion to approve Ordinance 2016-016: J Baldwin, second - R Sneddon**

- 14 • S Bankhead explained the background of this ordinance. As planning commission reviewed the use chart,
15 they decided some uses had to be given their own line items, such as cabinet shop and countertop shop.
16 They also made recommendations that other uses be allowed as a home business by conditional use.
17 After much discussion the Planning Commission decided there are some businesses that should not be
18 allowed in any residential zones. She reviewed other changes the Planning Commission has recommended
19 to the Use Chart.
- 20 • S Bankhead also discussed CHD and CGD. C (conditional) and P (permitted) uses can be added to the CGD
21 if the council so chooses. She explained that conditional use means a use is okay as long as negative
22 impact is mitigated.
- 23 • There was discussion regarding uses in certain zones of the city. Non-conforming businesses and
24 variances were also discussed.

25 **Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon**

26 **Nay: None**

27 **Abstained: None**

28 **Excused: K Allen**

29 **Item No. 3. Discussion:** The Providence City Council will discuss options for a future culinary water reservoir.

- 30 • Max Pierce, city engineer, addressed the council. This is an effort to narrow down possible locations for a
31 zone 2 tank and to determine what type of piping will be associated with the tank. He explained pressure
32 zones to the audience. He explained how each of the locations would operate and discussed the pros and
33 cons of each location. These are schematic designs.
- 34 • Mayor explained this project is three or four years out.
- 35 • J Drew asked if the city is at capacity during high water use periods. He thinks three or four years out
36 might be pushing it.
- 37 • M Pierce said the water master plan showed the need for a new water tank back in 2007. There are three
38 main areas to look at. First is source (water rights). Providence is doing very well. Weather is the biggest
39 impact. 2007 was the worst year for weather impact and there were a number of leaks. Distribution is
40 another area to look at. Our distribution system is in good shape. There are areas that need to be
41 addressed, but otherwise, it is in good shape. Storage is another area to consider. This is looked at by
42 zone and this is where the city needs to focus efforts.
- 43 • Mayor said impact fees will help pay for some of the new tank, but the tank will serve the city, not just
44 one development. We also have the ability to go from one tank to another if one tank fails or has negative
45 issues.
- 46 • J Drew said developers can help pay for the costs of a tank with participation from the city. He felt the city
47 should seriously consider donated land.
- 48 • R Stapley said there are a lot of variables when it comes to tank needs. We have a pretty elaborate system
49 for our little town. Now is the time to begin planning for our water storage. We haven't ever run out of
50 water, but it could happen easily so we need to start planning for our needs. Our system is designed to
51 maximize gravity feed which saves a lot of money in pumping.
- 52 • Pros and cons of each option were further discussed.

Item No. 4. Resolution 033-2016: The Providence City Council will consider for adoption a resolution approving the Development and Public Improvement Installation Agreement for Little Baldy Place Subdivision, a 37-lot residential subdivision located generally at 80 North Sherwood Drive.

Motion to approve Resolution 033-2016: J Drew, second - D Giles

- J Baldwin asked if there were any water rights being donated to the city.
- S Bankhead said the water requirement has been met according to our ordinance. 159.73 acre feet has been calculated. Stan Checketts felt this was too much water for 34 acres. However, this property was annexed in 2004 and at that time 0.714 acre feet for each ERC (household connection) was required. Now estimations are a little more sophisticated and we know exactly how many homes are coming in, that is why there is a difference between the 2004 requirement and now. The water is municipal use. They are in non-use category now but they are assigned to the well location out on the north site.
- S Checketts commented that he would like to have the water for the future use of the city. He would prefer not to have the future reservoir on his property. He does not want to donate the property, but there is potential for more development in the north end of the city so he has offered to donate the property for that future development.
- R Stapley showed the council the plan for the tank in Stan Checketts' development.
- S Bankhead explained to the audience where that reservoir will be located.
- Mayor Calderwood encouraged the council to continue this item and not vote on this agreement because of the topography and CUP requirements.
- J Drew asked Stan Checketts what kind of interest he has seen in this subdivision.
- S Checketts said at one time there was a lot of interest, but because of the restrictions and the lengthy process, interest has died down.
- J Drew said in past council and planning commission meetings there has been interest in SFE subdivisions. He thinks the lots will sell quickly.
- Andrea Diamond said it has been discussed that maybe estate isn't the best way to sell lots, but those lots will draw certain people who will spend that kind of money to have estate lots.
- Steve Jenson also agreed there is a demand for estate and larger lots.
- Mayor Calderwood said there is still no confirmed engineering on the fault line.
- S Bankhead said the geotech report was received by the city today. She read from the Development Agreement regarding the relocation of the deer trail. The Bonneville Shoreline Trail area will be protected. She reviewed other items in the Agreement regarding building on hazardous slopes. Stan has identified the hazardous slopes that will require a conditional permit use.
- J Baldwin feels this can move forward without further delay.
- R Sneddon said this is the best reiteration, but still needs work. He doesn't want people buying lots and then finding out they have CUP restrictions.
- S Bankhead said that is not part of the Development Agreement, but there will be another, shorter document that will be recorded at the county recorder's office that will identify CUP's and hazard overlay zones. People will know they are building in a hazardous area.
- There was more discussion about the fault line.
- J Baldwin suggested changing the wording from may to will on line 1 in 8.6 of the Development Agreement.
- R Sneddon feels the earthquake issue needs to be further clarified. The Development Agreement does not clarify anything except the fact that there is a problem. He feels engineers should address the subdivision as if all lots were in an earthquake zone.
- Mayor Calderwood said he only wanted to see the City indemnified from all liability in the Development Agreement.
- J Baldwin commented that any home going in that subdivision will be built to earthquake and hazardous slope specifications.

Vote: Yea: J Baldwin, J Drew, D Giles

Nay: R Sneddon

Abstained: None

Excused: K Allen

Item No. 5. Discussion. The Providence City Council will discuss compensation for members of the Providence City

1 Planning Commission.

- 2 • J Drew felt \$50/meeting would be a good place to start. Planning Commission has committed to meeting
- 3 every week until they are done with the general plan. He had a question about compensation for Utah
- 4 League of Cities and Towns.
- 5 • S Bankhead said the city pays registration fees and pays for training expenses (travel, lodging, etc.).
- 6 • Rowan Cecil recommends the chairman be paid more than other commissioners.
- 7 • There was discussion about paying the chairman \$75/meeting.

8 **Item No. 6. Discussion:** The Providence City Council will discuss implementing merit increases for City employees.

- 9 • Mayor Calderwood said the council did approve a 3% increase in the past.
- 10 • J Baldwin handed out a report showing current rates/wages with proposed increases showing new
- 11 rates/wages. It was based on a percentage increase.
- 12 • There was discussion about merit based increases.
- 13 • S Bankhead said evaluations could be made now. Supervisors have an idea of employees are performing.
- 14 • J Drew said if a merit based increase is going to be implemented, employees need to be notified.
- 15 • Mayor Calderwood said Human Resources would need to be utilized.
- 16 • J Drew said supervisors would also have to be trained.
- 17 • J Baldwin said if 3% is approved for this year, then a system needs to be in place so that at this time next
- 18 year there is a record of performance for merit pay.
- 19 • Mayor Calderwood said we do not have employee reviews, but there is documentation on employee
- 20 performance.
- 21 • J Drew commented that evaluations aren't necessarily a negative thing.
- 22 • Sharell Eames objects to merit pay. She hopes the council will discuss this with employees.
- 23 • Andrea Diamond and Richard Eames also commented on merit pay.
- 24 • Mayor Calderwood said there are a lot of services that go through the city. He suggested a 3% increase
- 25 this year and then continuing the discussion for merit pay.
- 26 • J Drew said his concern is supervisors doing their job. He feels across the board raises are fine but then
- 27 accountability is compromised.

28 **Item No. 7. Discussion:** The Providence City Council will discuss off-highway vehicle use and Providence City Code

29 Title 5 Chapter 9 Off-Highway Vehicles.

30 **Motion to continue Items No. 7, 8 and 9 to next council meeting: J Drew, second – J Baldwin**

31 **Vote:** Yea: J Baldwin, J Drew, D Giles, R Sneddon

32 Nay: None

33 Abstained: None

34 Excused: K Allen

35 **Item No. 8. Discussion:** The Providence City Council will discuss zoning enforcement for accessory buildings.

36 **Item No. 9. Discussion:** The Providence City Council will discuss park improvements for property located at 800

37 South 400 East.

38 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

39 Rob Stapley provided a written report for each council member and the Mayor which included the following:

- 40 • Fuhrman Drive project is under construction. Curb is scheduled to be done on Thursday.
- 41 • 300 East 10th South project has most of the new road sub-grade in and the contractor plans on starting
- 42 the retaining wall this week.
- 43 • 400 South rebuild is moving along.
- 44 • Crack seal and HA5 has been completed for this year.
- 45 • Line striping is scheduled for July 14th.
- 46 • Birch Creek Construction began the water utility upgrades for 400 S. on Monday.
- 47 • Nothing new to report for sanitary sewer or storm water.
- 48 • Requests for proposals are coming in soon for xeriscape concepts for Jay's Well Park.

49 S Bankhead said the council has received the monthly invoice register in their packet. There were no further

50 questions from the council.

51 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal

52 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and

1 the City Council determines that an emergency exists.

- 2 • No council reports.

3 **Executive Session Notice:**

4 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as
5 allowed by Utah Code 52-4-205(1)(c).

6 The Providence City Council may enter into a closed session to discuss professional competence or other factors
7 allowed by Utah Code 52-4-205(1)(a).

8 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property
9 Utah Code 52-4-205(1) (d) and (e).

10 There was no executive session.

- 11 • No executive session.

12 **Motion to adjourn: J Drew, second – J Baldwin**

13 **Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon**

14 **Nay: None**

15 **Abstained: None**

16 **Excused: K Allen**

17 Meeting adjourned at 10:00 pm.

18 Minutes recorded and prepared by C Craven.



21 A handwritten signature in black ink that reads "Don W. Calderwood". The signature is written in a cursive style.

22 Don W. Calderwood, Mayor

23 A handwritten signature in blue ink that reads "Skarlet Bankhead". The signature is written in a cursive style.

24 Skarlet Bankhead, City Recorder

City Council Meeting

July 12, 2016

Please Sign In

Name

City of Residence

Name
Wesley Brand

City of Residence
PROVIDENCE

4 ~~AKA~~ FIGHTER

GANDY MILLER

Kathleen Alder

Max H. King

Robert Parker

[Signature]

James G. Thompson

Shraddh To Amco

Logan Fresh

Brent Fr 12

Sandra Miller

Richard E. Camp

~~Laura Fisher~~

11 K Sneddon

John T. Nichols

Steve Jensen

Keith Thompson

Andrew Diamond

Karl Smith

